



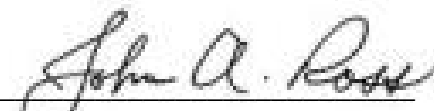
Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir.2006) (citation omitted). “When determining whether to appoint counsel for an indigent civil litigant, the district court considers relevant factors such as the complexity of the case, the ability of the indigent litigant to investigate the facts, the existence of conflicting testimony, and the ability of the indigent to present his claim.” Stevens v. Redwing, 146 F.3d 538, 546 (8<sup>th</sup> Cir. 1998) (citing Johnson v. Williams, 788 F.2d 1319, 1322–23 (8th Cir.1986)).

Upon consideration of these factors, the Court finds that appointment of counsel is not mandated at this time. The issues in this case are not complex and thus far Plaintiff has demonstrated he is able to articulate and present his claims. Plaintiff should be guided by the Federal Rules of Civil Procedure with respect to the discovery he wishes to pursue, in particular Rule 45 concerning the issuance of subpoenas. Although Plaintiff will not be able to take depositions by oral examination under Rule 30 because he is incarcerated, he may take depositions by written questions as authorized by Rule 31. He may also direct interrogatories, requests for production of documents, and requests for admissions to Defendants. Stockdale v. Stockdale, 2009 WL 4019504, at \*1-2 (E.D.Mo. Nov. 18, 2009).

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s motion for appointment of counsel [29] is **DENIED** without prejudice.

Dated this 10<sup>th</sup> day of July, 2014.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE